

INTER-OFFICE COMMUNICATIONS

Palm Beach County, Florida

TO: John Sansbury, County Administrator
Lisa Heasley, County Attorney's Office
Herb Kahlert, County Engineer
David Bludworth, State Attorney
Max Rudmann, Asst. Attorney General
Captain Cook, Sheriff's Dept. -Civil
Frank Schulz, Sheriff's Office
Bob Basehart, Planning, Zoning & Bldg.
Bob Palchanis, Building Division, Director
Richard A. Graddock, Assistant County Attorney
Patty Young -4th District Court of Appeals
Law Library
② County Library
Fire Rescue

DATE: July 16, 1985

FROM: John W. Dame, Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

ORDINANCE NO. 85-16

TITLE REFERENCE:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA; TO BE KNOWN AS THE
"FIREWORKS DISPLAY AMENDMENT" PROVIDING FOR TITLE,
DEFINITIONS, PERMITS, EXCLUSIONS, PENALTIES, REPEAL
OF LAWS, PROVISIONS IN CONFLICT, INCLUSION IN CODE,
AND EFFECTIVE DATE.

Attached is a copy of the above referenced Ordinance of Palm Beach County. This Ordinance has been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The effective date is July 15, 1985 at 3:42 P.M.

Signed

Arri Clingman
Deputy Clerk

JWD:

Attachment

* cc: Commissioners, BCC
Clerk
Minutes

*If a complete copy of ordinance is needed, please advise this office and we will be happy to provide a copy.

ORDINANCE NO. 85-16

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA, TO BE KNOWN AS THE
"FIREWORKS DISPLAY AMENDMENT" PROVIDING FOR TITLE,
DEFINITIONS, PERMITS, EXCLUSIONS, PENALTIES, REPEAL
OF LAWS, PROVISIONS IN CONFLICT, INCLUSION IN CODE,
AND EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County
is empowered to adopt reasonable rules and regulations for the granting
of permits for supervised public display of fireworks within Palm Beach
County and outside of any municipality pursuant to Section 791.02,
Florida Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

SECTION 1. TITLE:

This ordinance shall be known as the Palm Beach County
Fireworks Display Amendment and shall be included in Chapter 17 of the
Code of Laws and Ordinances of Palm Beach County.

SECTION 2. DEFINITIONS:

A. As use in this ordinance:

1. The term "fireworks" shall mean and include any combustible
or explosive composition, or any substance or combination of substances,
or except as hereinafter provided, any article prepared for the purpose
of producing a visible or an audible effect by combustion, explosion,
deflagration or detonation, and shall include blank cartridges and toy
cannons in which explosives are used, the type of balloons which require
fire underneath to propel the same, firecrackers, torpedoes, skyrockets,
roman candles, daygo bombs, and any fireworks containing any explosives
or flammable compound or any tablets or other device containing any
explosive substances.

The term "fireworks" shall not include sparklers, toy pistols,
toy canes, toy guns, or other devices in which paper caps containing
twenty five hundredths grains or less explosive compound are used,
providing they are so constructed that the hand cannot come in contact

1 with the cap when in place for the explosion, and toy pistol paper caps,
2 which contain less than twenty hundredths grains of explosive mixture,
3 the sale and use of which shall be permitted at all times.

4 2. The term "sparkler" shall mean a device which emits
5 showers of sparks upon burning, does not contain any explosive
6 compounds, does not detonate or explode, is hand held or ground based,
7 and cannot propel itself through the air. Any sparkler that contains
8 more than 100 grams of the chemical compound which produces sparks upon
9 burning shall be classified as a firework, as defined by section
10 791.01.

11 3. "Fireworks display" means any public display of fireworks
12 within the unincorporated area of Palm Beach County, or incorporated
13 areas within Palm Beach County governed by this ordinance.

14 SECTION 3. PERMITS:

15 A. Any fair, association, amusement park, other organization,
16 individual or group of individuals shall apply to the Fire Marshal of the
17 Palm Beach County Fire-Rescue Department for a permit for the display of
18 fireworks at least fifteen (15) days in advance of the date of the
19 display. Said application shall contain the following information:

20 1. The exact location of the display, and
21 2. The number, type and size of the fireworks to be displayed,
22 and

23 3. The name and qualifications of the individual(s) performing
24 the display, and

25 4. A liability insurance policy in an amount specified by the
26 Fire Marshal (minimum amount \$1,000,000.00) in which the County is named
27 as a co-insured party, and

28 5. A non-refundable fee of Fifty Dollars (\$50.00), and

29 6. A bond of Five Thousand Dollars (\$5,000.00) conditioned for
30 the payment of all damages which may be caused either to a person or
31 property by reason of the permittee's display, and arising from any acts
32 of the permittee, his agents, employees and subcontractors. Said bond
33 may be increased or decreased to a minimum of Five Hundred Dollars
34 (\$500.00) by the Board of County Commissioners of Palm Beach County upon
35 the recommendation of the Fire Marshal of the Palm Beach County

1 Fire-Rescue Department, or his designee or upon the application of the
2 permittee or any interested party.

3 B. The Fire Marshal of the Palm Beach County Fire-Rescue
4 department or his designee may issue a permit to the applicant upon
5 satisfaction of the conditions stated in Section III, paragraph "A"
6 above. A copy of the written permit shall be mailed to the Sheriff of
7 Palm Beach County.

8 SECTION 4. EXCLUSIONS:

9 A. Nothing in this ordinance shall be construed to prohibit
10 the use of fireworks by railroads or other transportation uses for signal
11 purposes or illuminating; or when used for quarrying; or for blasting or
12 other industrial use; the Use of blank cartridges for a show or theater;
13 use by military organizations, or organizations composed of the Armed
14 Forces of the United States; by manufacturers, duly licensed, for
15 experimenting and exploding such fireworks in their compounds or proving
16 grounds; or by persons and entities using fireworks solely and
17 exclusively for frightening birds from agricultural works and fish
18 hatcheries.

19 SECTION 5. PENALTIES:

20 A violation of this ordinance shall be punishable as a
21 misdemeanor of the second degree according to law.

22 SECTION 6. REPEAL OF LAWS IN CONFLICT

23 This ordinance repeals Ordinance 82-2 in its entirety. All
24 local laws and ordinances applying to the unincorporated area of Palm
25 Beach County in conflict with any provisions of this ordinance are hereby
26 repealed.

27 SECTION 7. SEVERABILITY

28 If any section, paragraph, sentence, clause, phrase, or word of
29 this ordinance is for any reason held by the Court to be unconstitu-
30 tional, inoperative or void, such holding shall not affect the remainder
31 of this ordinance.

32 SECTION 7. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

33 The provisions of this ordinance shall become and be made a
34 part of the code of laws and ordinances of Palm Beach County, Florida.
35 The Sections of the ordinance may be renumbered or relettered to

1 accomplish such, and the word "ordinance" may be changed to "section,"
2 "article," or any other appropriate word. Provisions of this ordinance
3 shall be designated as an amendment to Chapter 17 of the Standard Fire
4 Prevention Code.

5 SECTION 8. EFFECTIVE DATE:

6 The provisions of this ordinance shall become effective upon
7 receipt of acknowledgement by the Secretary of State.

8 APPROVED AND ADOPTED by the Board of County Commissioners of
9 Palm Beach County, Florida, on the _____ day of JUL 2 1985, 19____.

10 PALM BEACH COUNTY, FLORIDA, BY ITS
11 BOARD OF COUNTY COMMISSIONERS

12 By: *[Signature]*
13

Chairman

14 APPROVED AS TO FORM AND
15 LEGAL SUFFICIENCY

16 *[Signature]*
17 County Attorney

18 Acknowledgement by the Department of State of the State of
19 Florida, on this, the 12th day of July, 19 85.

20 EFFECTIVE DATE: Acknowledgement from the Department of State
21 received on the 15th day of July, 19 85, at 3:42
22 P.M., and filed in the Office of the Clerk of the Board of County
23 Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on July 2, 1985
DATED at West Palm Beach, FL on 7/16/85
JOHN B. DUNKLE, Clerk
By: *[Signature]* D.C.
Deputy Clerk